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Ga. Judge Pauses \$300M Bond Deadline In Monkey Farm Fight

By [Chart Riggall](#) · 3:59 / 3:59

Law360 (February 27, 2024, 4:19 PM EST) -- A Georgia federal judge on Monday suspended an imminent deadline for a \$300 million bond agreement to finance the construction of a controversial primate-rearing farm amid a series of court fights over whether local officials can legally back out of the deal.

The pause in the project's financing came just days before its closing date of Feb. 29, when, according to Safer Human Medicine Inc., the project might have been doomed thanks to the backtracking of the Decatur County-Bainbridge Industrial Development Authority.

U.S. District Judge Leslie Gardner agreed with both parties' consent to toll that closing date, and put the brakes on the federal lawsuit filed by SHM this month until an appeal in a sister state court case is resolved.

The litigation centers around SHM's proposal, which emerged last year, to construct a sprawling, 1.75 million-square-foot facility in Bainbridge for the raising of monkeys to be sold to research labs. Initially welcomed by Decatur County's development authority, the groups reached an agreement late last year to provide significant public financing for the project via a bond issuance.

Under the deal, the authority would put up \$300 million in taxable revenue bonds for the farm, along with tax abatements. SHM claimed the project would entail some \$270 million in investment and bring hundreds of jobs to the Peach State's southwestern-most county, about 25 miles from Tallahassee, Florida.

The financing went on to be approved by a Superior Court judge on Jan. 2 without incident, court records show.

But in the intervening weeks, residents and animal rights groups mobilized in opposition over an array of concerns. Locals, according to WALB-TV, raised concerns over the risks of communicable diseases, environmental pollution, and escaped monkeys running wild across the south Georgia plains.

Groups like [People for the Ethical Treatment of Animals](#) and the [Humane Society of the United States](#), meanwhile, have accused SHM of shady ties to the animal testing trade, with the latter group calling the project "a step backward for animals and science."

SHM has denied that any animals would be mistreated, saying the crab-eating macaques will have "plenty of space, air, and light" and that medical researchers rely "on these critical primates to save the lives of our loved ones and ourselves."

On Jan. 22, counsel for the county notified SHM that the bond deal had been voted on without proper public notice. After local officials declared they would "stand unified in seeking to have this company locate elsewhere," SHM [sued the authority](#) in federal court in a bid to mandate enforcement of the approved deal.

In the background of the federal litigation remains the state court case where the bond deal was approved. On Feb. 14, Decatur County District Attorney Joe Mulholland notified the court that he was appealing the bond approval to the Georgia Court of Appeals over the public notice issue.

Judge Gardner wrote that delaying the federal case would be prudent given that the Court of Appeals' decision "may have some effect on issues in this case."

The pause in the Feb. 29 deadline for finalizing the bond deal — which, if not met, voids the deal, according to SHM — is intended "to maintain the status quo pending resolution of this case," she added.

Counsel for the parties didn't immediately respond to a request for comment.

Safer Human Medicine is represented by Alfreda Sheppard and F. Faison Middleton IV of [Watson Spence LLP](#) and T. Joshua R. Archer, Walter E. Jones, Hugh Peterson, Patrick Silloway and Jordan Walker of [Balch & Bingham LLP](#).

The Decatur County-Bainbridge Industrial Development Authority is represented by Michael E. Kozlarek of King Kozlarek Root Law LLC.

The case is Safer Human Medicine Inc. v. Decatur County-Bainbridge Industrial Development Authority, case number [1:24-cv-00027](#), in the [U.S. District Court for the Middle District of Georgia](#).

--Editing by Orlando Lorenzo.

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Case Number

[1:24-cv-00027](#)

Court

Georgia Middle

Nature of Suit

Contract: Other

Judge

[LESLIE ABRAMS GARDNER](#)

Date Filed

February 13, 2024

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